

AMENDED IN SENATE JUNE 23, 1997

AMENDED IN SENATE JUNE 9, 1997

AMENDED IN ASSEMBLY MAY 14, 1997

AMENDED IN ASSEMBLY APRIL 24, 1997

AMENDED IN ASSEMBLY APRIL 8, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

## ASSEMBLY BILL

**No. 829**

**Introduced by Assembly Member Thomson  
(Coauthor: Assembly Member Alquist)**

February 27, 1997

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An act to amend Sections 914, 933, and 933.05 of, and to add ~~Sections 924.5 and~~ *Section* 938.4 to, the Penal Code, relating to grand juries.

### LEGISLATIVE COUNSEL'S DIGEST

AB 829, as amended, Thomson. Grand juries.

(1) *Existing law provides that, when the grand jury is impaneled, the court shall give the grand jurors specified information.*

*This bill would require the court to ensure that the grand jury also receives training, as specified.*

(2) Existing law requires each grand jury, no later than the end of each fiscal or calendar year, to submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters.

~~This bill would make provision for a grand jury to meet with the chief executive or governing body of an agency or department subject to its investigation to discuss the nature of the investigation and to receive the comments of the chief executive or governing body. This~~

~~This bill would also provide that each grand jury shall submit its final report no later than 30 days prior to the expiration of its term and require the grand jury foreperson and his or her designees to be available during the 30-day 45-day period prior to following the expiration of its the term to discuss its findings and clarify the recommendations with the chief executive or governing body of an affected agency or department of the grand jury's report, and require the grand jury to meet with the subject of the investigation, except as specified. This bill would also require the superior court to provide a meeting room and other support to the grand jury.~~

~~(2)~~

~~(3) The act would be known as the Civil Grand Jury Training, Communication, and Efficiency Act of 1997. The bill would include a statement of legislative intent.~~

~~(3)~~

~~(4) This bill would establish a state-mandated local program by imposing new duties on local officials.~~

~~(4)~~

~~(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.~~



*The people of the State of California do enact as follows:*

SECTION 1. This act shall be known and may be cited as the Grand Jury Training, Communication, and Efficiency Act of 1997.

SEC. 2. It is the intent of the Legislature to encourage grand juries that consider or take action on civil matters to communicate more efficiently with the subjects of their investigations in an effort to enhance the likelihood of implementation of the reports of these grand juries.

SEC. 3. Section 914 of the Penal Code is amended to read:

914. (a) When the grand jury is impaneled and sworn, it shall be charged by the court. In doing so, the court shall give the grand jurors such information as it deems proper, or as is required by law, as to their duties, and as to any charges for public offenses returned to the court or likely to come before the grand jury.

(b) To assist a grand jury in the performance of its statutory duties regarding civil matters, the court, in consultation with the district attorney—and, the county counsel, *and at least one former grand juror*, shall ensure that a grand jury that considers or takes action on civil matters receives training that addresses, at a minimum, report writing, interviews, and the scope of the grand jury's responsibility and statutory authority.

(c) Any costs incurred by the court as a result of this section shall be absorbed by the court or the county from existing resources.

~~SEC. 4. Section 924.5 is added to the Penal Code, to read:~~

~~924.5. A grand jury that considers or takes action on civil matters may meet with the chief executive or governing body of an agency or department under investigation to discuss the nature of the investigation and to receive input from the chief executive or governing body.~~

~~SEC. 5.~~

SEC. 4. Section 933 of the Penal Code is amended to read:

1 933. (a) ~~No later than 30 days prior to the expiration~~  
2 ~~of its term, each~~ Each grand jury shall submit to the  
3 presiding judge of the superior court a final report of its  
4 findings and recommendations that pertain to county  
5 government matters ~~other than fiscal matters~~ during the  
6 fiscal or calendar year. Final reports on any appropriate  
7 subject may be submitted to the presiding judge of the  
8 superior court at any time during the term of service of  
9 a grand jury. A final report may be submitted for  
10 comment to responsible officers, agencies, or  
11 departments, including the county board of supervisors,  
12 when applicable, upon finding of the presiding judge that  
13 the report is in compliance with this title. One copy of  
14 each report found to be in compliance with this title shall  
15 be placed on file with the county clerk and remain on file  
16 in the office of ~~the county clerk. During the 30-day period~~  
17 ~~prior to the expiration of its term, the grand jury shall be~~  
18 ~~available to discuss its recommendations concerning an~~  
19 ~~agency with its chief executive or governing body.~~

20 (b) ~~No later than 30 days prior to the expiration of its~~  
21 ~~term, each grand jury shall submit to the presiding judge~~  
22 ~~of the superior court a final report of its findings and~~  
23 ~~recommendations that pertain to fiscal matters of county~~  
24 ~~government during the fiscal or calendar year of the~~  
25 ~~county. During the 30-day period prior to the expiration~~  
26 ~~of its term, the grand jury shall be available to discuss its~~  
27 ~~recommendations concerning an agency with its chief~~  
28 ~~executive or governing body.~~

29 (c) ~~the county clerk. For 45 days after the end of the~~  
30 ~~term, the foreperson and his or her designees shall, upon~~  
31 ~~reasonable notice, be available to clarify the~~  
32 ~~recommendations of the report.~~

33 (b) No later than 90 days after the grand jury submits  
34 a final report on the operations of any public agency  
35 subject to its reviewing authority, the ~~chief executive or~~  
36 governing body of the public agency shall comment to  
37 the presiding judge of the superior court on the findings  
38 and recommendations pertaining to matters under the  
39 control of the ~~chief executive or~~ governing body, and  
40 every elected county officer or agency head for which the

1 grand jury has responsibility pursuant to Section 914.1  
 2 shall comment within 60 days to the presiding judge of the  
 3 superior court, with an information copy sent to the board  
 4 of supervisors, on the findings and recommendations  
 5 pertaining to matters under the control of that county  
 6 officer or agency head and any agency or agencies which  
 7 that officer or agency head supervises or controls. In any  
 8 city and county, the mayor shall also comment on the  
 9 findings and recommendations. All of these comments  
 10 and reports shall forthwith be submitted to the presiding  
 11 judge of the superior court who impaneled the grand  
 12 jury. A copy of all responses to grand jury reports shall be  
 13 placed on file with the clerk of the public agency and the  
 14 office of the county clerk, or the mayor when applicable,  
 15 and shall remain on file in those offices. One copy shall be  
 16 placed on file with the applicable grand jury final report  
 17 by, and in the control of the currently impaneled grand  
 18 jury, where it shall be maintained for a minimum of five  
 19 years.

20 ~~(d)~~

21 (c) As used in this section “agency” includes a  
 22 department.

23 ~~SEC. 6.~~

24 SEC. 5. Section 933.05 of the Penal Code is amended  
 25 to read:

26 933.05. (a) For purposes of subdivision—~~(e)~~ (b) of  
 27 Section 933, as to each grand jury finding, the responding  
 28 person or entity shall indicate one of the following:

29 (1) The respondent agrees with the finding.

30 (2) The respondent disagrees wholly or partially with  
 31 the finding, in which case the response shall specify the  
 32 portion of the finding that is disputed and shall include an  
 33 explanation of the reasons therefor.

34 (b) For purposes of subdivision—~~(e)~~ (b) of Section 933,  
 35 as to each grand jury recommendation, the responding  
 36 person or entity shall report one of the following actions:

37 (1) The recommendation has been implemented,  
 38 with a summary regarding the implemented action.

1 (2) The recommendation has not yet been  
2 implemented, but will be implemented in the future,  
3 with a timeframe for implementation.

4 (3) The recommendation requires further analysis,  
5 with an explanation and the scope and parameters of an  
6 analysis or study, and a timeframe for the matter to be  
7 prepared for discussion by the officer or head of the  
8 agency or department being investigated or reviewed,  
9 including the governing body of the public agency when  
10 applicable. This timeframe shall not exceed six months  
11 from the date of publication of the grand jury report.

12 (4) The recommendation will not be implemented  
13 because it is not warranted or is not reasonable, with an  
14 explanation therefor.

15 (c) However, if a finding or recommendation of the  
16 grand jury addresses budgetary or personnel matters of  
17 a county agency or department headed by an elected  
18 officer, both the agency or department head and the  
19 board of supervisors shall respond if requested by the  
20 grand jury, but the response of the board of supervisors  
21 shall address only those budgetary or personnel matters  
22 over which it has some decisionmaking authority. The  
23 response of the elected agency or department head shall  
24 address all aspects of the findings or recommendations  
25 affecting his or her agency or department.

26 (d) A grand jury may request a subject person or  
27 entity to come before the grand jury for the purpose of  
28 reading and discussing the findings of the grand jury  
29 report that relates to that person or entity in order to  
30 verify the accuracy of the findings prior to their release.

31 ~~(e) During the investigation and prior to final~~  
32 ~~approval of the report, the grand jury shall meet with the~~  
33 ~~chief executive or governing body of the investigated~~  
34 ~~agency to discuss the nature of the investigation and to~~  
35 ~~receive the comments of the chief executive or governing~~  
36 ~~body.~~

37 *(e) During an investigation, the grand jury shall meet*  
38 *with the subject of that investigation regarding the*  
39 *investigation, unless the court, either on its own*  
40 *determination or upon request of the foreperson of the*

1 *grand jury, determines that such a meeting would be*  
2 *detrimental to a grand jury investigation.*

3 (f) A grand jury shall provide to the affected agency  
4 a copy of the portion of the grand jury report relating to  
5 that person or entity two working days prior to its public  
6 release and after the approval of the presiding judge. No  
7 officer, agency, department, or governing body of a  
8 public agency shall disclose any contents of the report  
9 prior to the public release of the final report.

10 ~~SEC. 7.~~

11 *SEC. 6.* Section 938.4 is added to the Penal Code, to  
12 read:

13 938.4. The superior court shall arrange for a suitable  
14 meeting room and other support as the court determines  
15 is necessary for the grand jury. Any costs incurred by the  
16 court as a result of this section shall be absorbed by the  
17 court or the county from existing resources.

18 ~~SEC. 8.~~

19 *SEC. 7.* Notwithstanding Section 17610 of the  
20 Government Code, if the Commission on State Mandates  
21 determines that this act contains costs mandated by the  
22 state, reimbursement to local agencies and school  
23 districts for those costs shall be made pursuant to Part 7  
24 (commencing with Section 17500) of Division 4 of Title  
25 2 of the Government Code. If the statewide cost of the  
26 claim for reimbursement does not exceed one million  
27 dollars (\$1,000,000), reimbursement shall be made from  
28 the State Mandates Claims Fund.

29 Notwithstanding Section 17580 of the Government  
30 Code, unless otherwise specified, the provisions of this act  
31 shall become operative on the same date that the act  
32 takes effect pursuant to the California Constitution.